

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVID LEE,

Plaintiff,

-v-

DONALD TRUMP,

President of the United States,

Defendant.

20-CV-2034 (JPO)

ORDER

J. PAUL OETKEN, District Judge:

On March 6, 2020, Plaintiff moved for a temporary restraining order against Defendant President Donald Trump due to alleged travel bans put in place against China and Iran. (Dkt. No. 4.)

In the Second Circuit, the standards for a temporary restraining order and preliminary injunction are the same. *See Andino v. Fischer*, 555 F. Supp. 2d 418, 419 (S.D.N.Y. 2008). And to receive a preliminary injunction, the plaintiff must show (1) “a likelihood of success on the merits,” (2) “that [the plaintiff] is likely to suffer irreparable injury in the absence of an injunction,” (3) that “the balance of hardships tips in the plaintiff’s favor,” and (4) “that the public interest would not be disserved by the issuance of [the] injunction.” *Salinger v. Colting*, 607 F.3d 68, 79–80 (2d Cir. 2010) (internal quotation marks omitted).

First, the Government’s response to the global coronavirus pandemic is quickly developing. As of today, travel bans have been put in place with respect to most of Europe, not only China and Iran as was purportedly the case at the time the motion was filed. As a result, Plaintiff’s argument that any travel bans with respect to China and Iran were discriminatory in violation of his Fifth and Fourteenth Amendment rights has a low likelihood of success on the merits. Second, Plaintiff fails to plead any irreparable harm. He alleges that his family members

from China intended to visit him in the United States in Spring 2020 and cannot due to the Government's actions. However, to the extent that their visit is delayed, that harm is hardly irreparable. Third, Plaintiff has not advanced any argument that the balance of hardships tips in his favor. Fourth, given the fact that this pandemic shows no signs of abating, the public interest strenuously weighs against lifting any travel bans put in place to prevent coronavirus's spread.

Accordingly, Plaintiff's motion for a temporary restraining order is DENIED.

SO ORDERED.

Dated: March 23, 2020
New York, New York



J. PAUL OETKEN
United States District Judge

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